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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation and Petition to  
12 Revoke Probation Against,

13 **TAMARA FRANCINE KAMINSKY, aka**  
14 **TAMARA FRANCINE KAMINSKY-**  
**SKONEZNY**  
15 **17331 Anglin Drive,**  
**Tustin, CA 92780-1801**

16 **Registered Nurse License No. 488362**

17 Respondent.

Case No.

*2011-853*

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

18  
19 Complainant alleges:

20 **PARTIES**

- 21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation and Petition to  
22 Revoke Probation solely in her official capacity as the Executive Officer of the Board of  
23 Registered Nursing, Department of Consumer Affairs.
- 24 2. On or about March 31, 1993, the Board of Registered Nursing issued Registered  
25 Nurse License Number 488362 to Tamara Francine Kaminsky (Respondent). The Registered  
26 Nurse License was in effect at all times relevant to the charges brought herein and will expire on  
27 January 31, 2013, unless renewed.  
28

1           **Prior Discipline**

2           3.     On or about June 22, 2001, Accusation Case No. 2001-297 was filed against  
3 Respondent alleging unprofessional conduct. Respondent was charged with unlawfully obtaining  
4 the controlled substance, Vicodin, on four separate instances on or about December 1, 1997,  
5 while working as a registered nurse at Mission Regional Hospital in Mission Viejo, California.  
6 Respondent misrepresented that the tablets were intended for two patients, when in fact, she took  
7 them for herself.

8           4.     On or about February 13, 2002, the Board issued a Default Decision and Order in  
9 Accusation Case No. 2001-297 revoking Respondent's registered nurse license after Respondent  
10 failed to file a Notice of Defense or request a hearing. The Default Decision became effective  
11 March 15, 2002.

12          5.     On or about September 7, 2007, Respondent filed a Petition for Reinstatement.

13          6.     In a disciplinary action entitled "In the Matter of The Petition for Reinstatement of  
14 Tamara Kaminsky-Skonezny," OAH Case No. L2007110141, the Board of Registered Nursing,  
15 issued a decision, effective March 7, 2008, in which Respondent's Registered Nurse License was  
16 reinstated and then revoked. However, the revocation was stayed and Respondent's Registered  
17 Nurse License was placed on probation for a period of three (3) years with certain terms and  
18 conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

19          7.     Pursuant to probation condition 12 of the Board's Disciplinary Order referenced in  
20 paragraph 6, above, if Respondent violates the conditions of her probation during the period of  
21 probation and an accusation or petition to revoke probation has been filed against Respondent's  
22 license or the Attorney General's Office has been requested to prepare an accusation or petition to  
23 revoke probation against the license, Respondent's probationary period remains in effect until any  
24 accusation or petition to revoke probation has been acted upon by the Board. The Board  
25 requested the Attorney General's Office to prepare an accusation and petition to revoke probation  
26 on November 9, 2010, during the three year probationary period from March 7, 2008 through  
27 March 6, 2011.  
28

## JURISDICTION

8. This Accusation and Petition to Revoke Probation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

9. Section 118, subdivision (b) of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

10. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 of the Nursing Practice Act.

11. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

12. Section 2761 of the Code states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct . . . .

13. Section 2762 of the Code states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

. . . .

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license..

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**COSTS**

14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**DRUGS**

15. "Dilaudid", a brand of hydromorphone, is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(K), and is a dangerous drug pursuant to Business and Professions Code section 4022.

16. "Morphine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(M), and is a dangerous drug pursuant to Business and Professions Code section 4022.

**FACTS**

17. During Respondent's probationary period, on or about October 29, 2010, at approximately 6:30 am, while on duty as a surgical registered nurse at Fountain Valley Regional Hospital and Medical Center, orthopedic charge nurse CM noticed suspicious activity by Respondent in the orthopedic medication room. Respondent was asked to submit to a drug screen pursuant to the hospital policy when incidents occur under suspicious circumstances. Respondent declined to submit to a drug screen and indicated that she would test positive for Dilaudid and Morphine. Respondent indicated that her relapse began two months ago and is often.

18. On or about November 2, 2010, Respondent was terminated from her employment as a registered nurse at Fountain Valley Regional Hospital and Medical Center, based on her refusal to submit to a drug screen on October 29, 2010 and her indication that she had been taking the controlled substances, Dilaudid and Morphine.

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1           21. Respondent's probation is subject to revocation because she failed to comply with  
2 Probation Condition 16, referenced above. On or about October 29, 2010, while on duty as a  
3 surgical registered nurse at Fountain Valley Regional Hospital and Medical Center, Respondent  
4 used Dilaudid and Morphine and admitted the use to her employer. Respondent indicated that she  
5 relapsed two months prior and began using the controlled substances, Dilaudid and Morphine, on  
6 a frequent basis.

7                           **SECOND CAUSE TO REVOKE PROBATION**

8                           (Failure to Fully Comply with the Terms and Conditions of Probation)

9           22. At all times after the effective date of Respondent's probation, Condition 2 stated:  
10           Comply with the Board's Probation Program

11                           Petitioner [Respondent] shall fully comply with the conditions of the  
12 Probation program established by the Board and cooperate with representatives of the  
13 Board in its monitoring and investigation of the Petitioner's [Respondent's]  
14 compliance with the Board's Probation Program. Petitioner [Respondent] shall  
15 inform the Board in writing within no more than 15 days of any address change and  
16 shall at all times maintain an active, current license status with the Board, including  
17 during any period of suspension.

18           23. Respondent's probation is subject to revocation because she failed to comply with  
19 Probation Condition 2, referenced above when on or about October 29, 2010, Respondent  
20 violated term 16 of her probation by using the controlled substances, Dilaudid and Morphine.  
21 Respondent indicated that she relapsed two months prior and began taking the controlled  
22 substances Dilaudid and Morphine on a frequent basis.

23                           **PRAYER**

24           WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
25 and that following the hearing, the Board of Registered Nursing issue a decision:

26           1. Revoking the probation that was granted by the Board of Registered Nursing in OAH  
27 Case No. L2007110141 and imposing the disciplinary order that was stayed thereby revoking  
28 Registered Nurse License No. 488362 issued to Tamara Francine Kaminsky aka Tamara Francine  
Kaminsky-Skonezny;

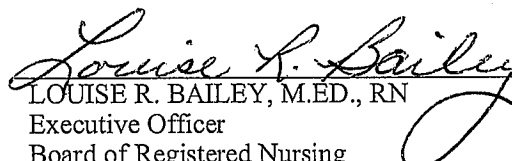
2. Revoking or suspending Registered Nurse License No. 488362, issued to Tamara  
Francine Kaminsky aka Tamara Francine Kaminsky-Skonezny;

1           3.     Ordering Tamara Francine Kaminsky aka Tamara Francine Kaminsky-Skonezny  
2 to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement  
3 of this case, pursuant to Code section 125.3; and

4           4.     Taking such other and further action as deemed necessary and proper.  
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6  
7 DATED:

April 15, 2011

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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## **Exhibit A**

**Decision and Order**

**Petition for Reinstatement of Tamara Kaminsky-Skonezny**

**OAH Case No. L2007110141**



BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for  
Reinstatement of:

**TAMARA KAMINSKY-SKONEZNY**

Registered Nurse License No. 488362

Petitioner.

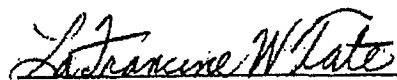
OAH No. L2007110141

**DECISION**

The attached Decision of the Board of Registered Nursing is hereby adopted by the Board as its Decision in the above-entitled matter.

This Decision shall become effective on March 7, 2008.

IT IS SO ORDERED this 6<sup>th</sup> day of February 2008.



President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of Petition for Reinstatement  
of:

OAH No. L2007110141

TAMARA KAMINSKY-SKONEZNY,  
  
Petitioner.

**DECISION**

This matter was heard by a quorum of the Board of Registered Nursing (Board) on November 29, 2007, in Anaheim, California. Samuel D. Reyes, Administrative Law Judge, Office of Administrative Hearings, presided.

Tamara-Kaminsky-Skonezny (Petitioner) represented herself.

Linda Sun, Deputy Attorney General, appeared for the Attorney General pursuant to Government Code section 11522.

Oral and documentary evidence was received at the hearing and the matter was submitted for decision.

**FACTUAL FINDINGS**

1. Petitioner filed the Petition for Reinstatement on September 7, 2007.
2. On March 31, 1993, the Board issued Registered Nurse License No. 488362 to Petitioner.
3. On February 13, 2002, the Board issued a Default Decision and Order revoking Petitioner's registered nurse license. After Petitioner's failure to file a notice or defense or request a hearing, the Board deemed admitted the allegations of the pending accusation. The accusation alleged that Petitioner engaged in unprofessional conduct by unlawfully obtaining a controlled substance, Vicodin, on four separate instances on December 1, 1997, by misrepresenting that the tablets were intended for two patients.

4. In paragraph number 10 of the February 13, 2002, Default Decision and Order, the Board concluded: "The total costs for investigation and enforcement are \$7,873.25 as of September 27, 2001."

5. Petitioner presented substantial evidence of rehabilitation. She acknowledged her addiction and provided strong evidence of her recovery. On September 22, 2001, Petitioner enrolled in the Cornerstone program, successfully completing the inpatient phase on October 15, 2001, and the outpatient phase on November 8, 2001. Her sobriety date is September 15, 2001, and she continues to attend Alcoholics Anonymous meetings at least twice each week. Her sponsor of four years, Sharon Dickson, testified at the hearing, and, along with six others who submitted letters, attested to Petitioner's commitment to sober living. Petitioner's father, Eric B. Kaminsky, Attorney at Law, concurred, noting that Petitioner pursues sobriety and recovery "in a very passionate way."

6. Petitioner leads a stable life. She is raising two small children with her husband, and started a marketing firm in 2005. Her heart is in nursing, however, and she would like to return to its practice, preferably providing services to those in recovery like herself.

#### LEGAL CONCLUSIONS

Cause exists pursuant to Business and Professions Code Section 2760.1, subdivision (e), to grant the Petition for Reinstatement submitted by Petitioner, by reason of factual findings numbers 5 and 6. However, because of her past discipline and in order to ensure public protection, the Board will issue a probationary license with appropriate conditions.

#### ORDER

The Petition for Reinstatement submitted by Tamara Kaminsky Skonezny is granted and a license shall be issued to Petitioner. However, the license issued pursuant to this order shall immediately be revoked, which order of revocation shall be stayed and Petitioner's license placed on probation for three years on the following conditions:

**SEVERABILITY CLAUSE** - Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

(1) **OBEY ALL LAWS** - Petitioner shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the Petitioner to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Petitioner shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**CRIMINAL COURT ORDERS:** If Petitioner is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

(2) **COMPLY WITH THE BOARD'S PROBATION PROGRAM** - Petitioner shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Petitioner's compliance with the Board's Probation Program. Petitioner shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Petitioner's license shall be fully restored.

(3) **REPORT IN PERSON** - Petitioner, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

(4) **RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE** - Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Petitioner's probation is tolled if and when she resides outside of California. The Petitioner must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Petitioner shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Petitioner shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Petitioner shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

(5) **SUBMIT WRITTEN REPORTS** - Petitioner, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Petitioner's compliance with all the conditions of the Board's Probation Program. Petitioner shall immediately execute all release of information forms as may be required by the Board or its representatives.

Petitioner shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

(6) **FUNCTION AS A REGISTERED NURSE** - Petitioner, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Petitioner has not complied with this condition during the probationary term, and the Petitioner has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Petitioner's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

**(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS**

Petitioner shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Petitioner shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Petitioner shall provide a copy of this decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, Petitioner shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Petitioner shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

**(8) SUPERVISION** - Petitioner shall obtain prior approval from the Board regarding Petitioner's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Petitioner shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Petitioner's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Petitioner works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Petitioner at least twice during each shift worked.

(d) Home Health Care - If Petitioner is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Petitioner as required by the Board each work day. Petitioner shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the Petitioner with or without Petitioner present.

(9) **EMPLOYMENT LIMITATIONS** - Petitioner shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Petitioner shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Petitioner shall not work in any other registered nursing occupation where home visits are required.

Petitioner shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Petitioner from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Petitioner shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Petitioner shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If the Petitioner is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

(10) **COMPLETE A NURSING COURSE(S)** - Petitioner, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Petitioner shall obtain prior approval from the Board before enrolling in the course(s). Petitioner shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Petitioner after photocopying them for its records.

(11) **COST RECOVERY** – Petitioner shall pay to the Board costs associated with its investigation and enforcement of Case No. 2005-20, pursuant to Business and Professions Code section 125.3 in the amount of \$\$7,873.25. Petitioner shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

(12) **VIOLATION OF PROBATION** - If Petitioner violates the conditions of her probation, the Board after giving the Petitioner notice and an opportunity to be heard, may set aside the stay order and impose the stayed revocation of Petitioner's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Petitioner's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the Petitioner's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

(13) **LICENSE SURRENDER** - During Petitioner's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Petitioner may surrender her license to the Board. The Board reserves the right to evaluate Petitioner's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Petitioner will no longer be subject to the conditions of probation.

Surrender of Petitioner's license shall be considered a disciplinary action and shall become a part of Petitioner's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision: two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or one year for a license surrendered for a mental or physical illness.

(14) **PHYSICAL EXAMINATION** – Within 45 days of the effective date of this decision, Petitioner, at her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of the Petitioner's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by the Petitioner with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If Petitioner is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and Petitioner by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Petitioner shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, Petitioner shall not engage in any practice for which a license issued by the Board is required until the Board has notified Petitioner that a medical determination permits Petitioner to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If Petitioner fails to have the above assessment submitted to the Board within the 45-day requirement, Petitioner shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by Petitioner to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

**(15) PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE** - Petitioner, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If Petitioner has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, Petitioner, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider Petitioner in violation of probation.

Based on Board recommendation, each week Petitioner shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Petitioner shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Petitioner shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

**(16) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS** - Petitioner shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Petitioner shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the Petitioner's prognosis, the



date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Petitioner shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of Petitioner's history of substance abuse and will coordinate and monitor any prescriptions for Petitioner for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis Petitioner's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

**(17) SUBMIT TO TESTS AND SAMPLES** - Petitioner, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The Petitioner is responsible for keeping the Board informed of Petitioner's current telephone number at all times. Petitioner shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the Petitioner shall be considered in violation of probation.

In addition, Petitioner, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If Petitioner has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend Petitioner from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If Petitioner fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, the Petitioner shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend Petitioner from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

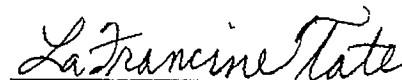
(18) **MENTAL HEALTH EXAMINATION** - The Petitioner shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of the Petitioner. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by Petitioner.

If Petitioner is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and Petitioner by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Petitioner shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, Petitioner shall not engage in any practice for which a license issued by the Board is required, until the Board has notified Petitioner that a mental health determination permits Petitioner to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If the Petitioner fails to have the above assessment submitted to the Board within the 45-day requirement, Petitioner shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the Petitioner to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

(19) **THERAPY OR COUNSELING PROGRAM** - Petitioner, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

DATED: February 6, 2008



LaFrancine Tate, President  
Board of Registered Nursing

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

TAMARA FRANCINE KAMINSKY  
22381 Woodgrove Road  
Lake Forest, CA 92630

Registered Nurse No. 488362

Respondent.

Case No. 2001-297

**DEFAULT DECISION  
AND ORDER**

Registered Nurse number 488362, heretofore issued to Respondent TAMARA FRANCINE KAMINSKY, is hereby revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 15th, 2002.

It is so ORDERED February 13th, 2002

*Landra L. Erickson*  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General  
of the State of California  
2 LORRIE M. YOST, State Bar No. 119088  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street, Suite 1702  
4 Los Angeles, California 90013  
Telephone: (213) 897-2562  
5 Facsimile: (213) 897-2804  
6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 TAMARA FRANCINE KAMINSKY  
22381 Woodgrove Road  
13 Lake Forest, CA 92630

14 Registered Nurse No. 488362

15 Respondent.

Case No. 2001-297

**DEFAULT DECISION  
AND ORDER**

[Government Code § 11520]

16  
17 FINDINGS OF FACT

18 1. On or about June 22, 2001, Complainant Ruth Ann Terry, M.P.H., R.N., in  
19 her official capacity as Executive Officer of the Board of Registered Nursing, Department of  
20 Consumer Affairs, State of California, filed Accusation No. 2001-297 against TAMARA  
21 FRANCINE KAMINSKY ("Respondent") before the Board of Registered Nursing ("Board").

22 2. On or about March 31, 1993, the Board of Registered Nursing issued  
23 Registered Nurse Number 488362 to Respondent. The Registered Nurse was in full force and  
24 effect at all times relevant to the charges brought herein and will expire on January 31, 2003,  
25 unless renewed.

26 3. On or about July 12, 2001, Valerie Villegas, an employee of the  
27 Department of Justice, served by Certified Mail a copy of the Accusation No. 2001-297, Request  
28 for Discovery and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's

1 address of record with the Board, which was and is 22381 Woodgrove Road, Lake Forest, CA  
2 92630. A copy of the Accusation, the associated supplemental documents and Declaration of  
3 Service are attached hereto as "Exhibit A," and they are incorporated as if fully set forth herein.

4 4. The above-described service of the Accusation was effective as a matter of  
5 law pursuant to the provisions of Government Code section 11505, subdivision (c).

6 5. On or about August 7, 2001, the aforementioned documents were returned  
7 by the U.S. Postal Service marked "Unclaimed." A copy of the postal returned documents are  
8 attached hereto as "Exhibit B," and they are incorporated as if fully set forth herein.

9 6. Government Code section 11506 states, in pertinent part:

10 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
11 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
12 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
13 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

14 7. Respondent failed to file a Notice of Defense within 15 days after service  
15 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
16 Accusation No. 2001-297.

17 8. California Government Code section 11520 states, in pertinent part:

18 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing,  
19 the agency may take action based upon the respondent's express admissions or upon other  
20 evidence and affidavits may be used as evidence without any notice to respondent."

21 9. Pursuant to its authority under Government Code section 11520, the Board  
22 finds Respondent is in default. The Board will take action without further hearing and, based on  
23 Respondent's express admissions by way of default and the evidence before it, contained in  
24 Exhibits A, B and C, finds that the allegations, and each of them, in Accusation No. 2001-297  
25 are true.

26 10. The total costs for investigation and enforcement are \$7,873.25 as of  
27 September 27, 2001.

28 ///

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent TAMARA  
3 FRANCINE KAMINSKY has subjected her Registered Nurse No. 488362 to discipline.

4 2. A copy of the Accusation and the related documents and Declaration of  
5 Service are attached hereto.

6 3. The agency has jurisdiction to adjudicate this case by default.

7 4. The Board is authorized to revoke Respondent's Registered Nurse based  
8 upon the following violations alleged in the Accusation:

9 a. Unprofessional Conduct, Business and Professions Code section  
10 2761(a),

11 b. Unprofessional Conduct, Business and Professions Code section  
12 2761(a), as defined by Business and Professions Code section  
13 2762(a);

14  
15  
16 Attachments:

17 Exhibit A: Accusation, Case No.2001-297, Associated Supplemental Documents and  
18 Declaration of Service

18 Exhibit B: Postal Return Documents

19 Exhibit C: Evidence Packet  
20

21 DOJ docket number: 03579110-LA1999AD0170  
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1 BILL LOCKYER, Attorney General  
of the State of California  
2 MICHAEL A. SHEKEY, State Bar No. 143436  
Deputy Attorney General  
3 300 South Spring Street, Suite 500  
Los Angeles, California 90013  
4 Telephone: (213) 897-2520  
Facsimile: (213) 897-2804  
5 Attorneys for Complainant  
6  
7

8 BEFORE THE  
BOARD OF REGISTERED NURSING  
9 DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against: ) NO. 2001-297  
12 )  
13 TAMARA FRANCINE KAMINSKY )  
22381 Woodgrove Road ) ACCUSATION  
14 Lake Forest, California 92630 )  
Registered Nurse License No. 488362 )  
15 Respondent. )  
16

17 Ruth Ann Terry, M.P.H., R.N., for causes for discipline, alleges:

18 PARTIES

19 1. Complainant Ruth Ann Terry, M.P.H., R.N., makes and files this  
20 accusation in her official capacity as Executive Officer, Board of Registered Nursing, Department  
21 of Consumer Affairs, State of California.

22 2. On March 31, 1993, the Board of Registered Nursing ("Board") issued  
23 Registered Nurse License Number 488362 to Tamara Francine Kaminsky ("respondent"). The  
24 license was in full force and effect at all times pertinent herein and will expire on January 31,  
25 2003, unless renewed.

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Patient # 6011399

- a. At or about 1740 hours, respondent had a staff nurse sign out two Vicodin tablets from the Pyxis system<sup>1</sup> for patient #6011399 (without a physician's order), and then failed to chart administration on the patient's medical records or otherwise account for two Vicodin tablets.
- b. At or about 2149 hours, respondent had a staff nurse sign out two Vicodin tablets from the Pyxis system for patient #6011399 (without a physician's order), and then failed to chart administration on the patient's medical records or otherwise account for two Vicodin tablets.

Patient #5997788

- c. At or about 1625 hours, respondent had a staff nurse sign out two Vicodin tablets from the Pyxis system for patient #5997788, and then failed to chart administration on the patient's medical records or otherwise account for two Vicodin tablets.
- d. At or about 2145 hours, respondent had a staff nurse sign out two Vicodin tablets from the Pyxis system for patient #5997788, and then failed to chart administration on the patient's medical records or otherwise account for two Vicodin tablets.

8. Respondent has subjected her license to discipline under Business and Professions Code section 2761(a) on the grounds of unprofessional conduct in that on or about December 1, 1997, while employed as a registered nurse by Medical Help, Inc., a registry staffing service, at Mission Regional Hospital in Mission Viejo, California, respondent committed acts constituting a departure from standard nursing practice in the following respects

- a. As to Patient 6011399, she failed to follow physician orders and obtain only medications ordered by the physician.

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<sup>1</sup>PYXIS is a computerized controlled substance/dangerous drug sign out system whereby medications are signed out by the requestor, who enters the patient's name, the medication and the amount of the drug requested. The medication drawer of the PYXIS system opens and the nurse removes the medication.

1 b. As to Patients 6011399 and 5997788, she failed to document administration,  
2 wastage or otherwise account for eight Vicodin tablets.

3 c. As to Patients 6011399 and 5997788, she failed to document in the patient records  
4 the effectiveness or lack thereof of the Vicodin if it was, in fact, administered.

5 **PRAYER**

6 WHEREFORE, complainant prays that a hearing be held and that the Board of  
7 Registered Nursing make an order:

8 1. Revoking or suspending Registered License Number 488362, issued to  
9 Tamara Francine Kaminsky

10 2. Ordering Tamara Francine Kaminsky to pay to the Board of Registered  
11 Nursing its costs for the investigation and enforcement of the case according to proof at the  
12 hearing, pursuant to Business and Professions Code section 125.3.

13 3. Taking such other and further action as may be deemed proper and appropriate.  
14  
15

16 DATED: 6/22/01

Ruth Ann Terry  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

19 Complainant  
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26 03579-110-  
27 LA1999AD0170  
(lk 1/11/00)